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Total Number of Pages in This Submission

Application Number	10/721,481
Filing Date	11/25/2003
First Named Inventor	Robert P. Arentsen et al.
Art Unit	3753
Examiner Name	Craig James Price
Attorney Docket No.	ITTD-BG101US

ENCLOSURES (Check all that apply)

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Firm Name	RatnerPrestia		
Signature			
Printed Name	Robert P. Seitter		
Date	1/8/2007	Registration No.	24,856

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Typed or Printed Name	Denise Morgan	Date	1/8/2007

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Effective on 12/08/04.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL For FY 2006

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 500.00

Complete If Known

Application Number	10/721,481
Filing Date	11/25/2003
First Named Inventor	Robert P. Arentsen et al.
Examiner Name	Craig James Price
Art Unit	3753
Attorney Docket No.	ITTD-BG101US

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FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Small Entity	Small Entity	Small Entity	Small Entity	Small Entity	Small Entity	
Utility	Fee (\$)	Fee (\$)	Fee (\$)	Fee (\$)	Fee (\$)	Fee (\$)	_____
Design	300	150	500	250	200	100	_____
Plant	200	100	100	50	130	65	_____
Reissue	200	100	300	150	160	80	_____
Provisional	300	150	500	250	600	300	_____
	200	100	0	0	0	0	_____

2. EXCESS CLAIM FEES

Fee Description

Each claim over 20 (including Reissues)

Each independent claim over 3 (including Reissues)

Multiple dependent claims

Small Entity	
Fee (\$)	Fee (\$)
50	25
200	100
360	180

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims	
- 20 or HP =	x	=		Fee (\$)	Fee Paid (\$)

HP = highest number of total claims paid for, if greater than 20

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
- 3 or HP =	x	=	

HP = highest number of independent claims paid for, if greater than 3

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =	/ 50 =	(round up to a whole number) x	=	

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Appeal Brief

Fees Paid (\$)

500.00

SUBMITTED BY

Complete (if applicable)

Signature		Registration No. Attorney/Agent)	24,856	Telephone	610-407-0700
Name (Print/Type)	Robert P. Seitter	Date	1/8/2007		

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ITTD-BG101



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln. No: 10/721,481
Applicant: Robert P. Arentsen et al.
Filed: 11/25/2003
Title: ISOLATION VALVE WITH ROTATABLE FLANGE
TC/A.U.: 3753
Examiner: Craig James Price
Confirmation No.: 5984
Notice of Appeal Filed: November 16, 2006
Docket No.: ITTD-BG101US

APPEAL BRIEF UNDER 37 C.F.R. § 41.37

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P. O. Box 1450
Alexandria, VA 22313-1450

S I R :

Appellants hereby request consideration and reversal of the Final Rejection dated August 16, 2006, and the Advisory Action dated December 1, 2006, of claims 22-25 and 27-29.

This Brief is presented in the format required by 37 C.F.R. § 41.37, in order to facilitate review by the Board. In compliance with 37 C.F.R. § 41.37(a)(1), this Brief is being filed within the time allowed for response to the action (the Final Rejection dated August 16, 2006) from which the Appeal was taken or within two months from the date of the Notice of Appeal (filed November 15, 2006), whichever is later.

The fees for filing a Brief in support of an Appeal under 37 C.F.R. § 41.20(b)(2), together with any extension fee required in connection with the filing of this Brief, are provided herewith.

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I. REAL PARTY IN INTEREST

All right, title and interest in this Application has been assigned to ITT Manufacturing Enterprises, Inc., a wholly owned subsidiary of ITT Corporation. Until about July 1, 2006, ITT Corporation was named ITT Industries, Inc.

II. RELATED APPEALS AND INTERFERENCES

There are no other appeals, interferences or judicial proceedings which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

III. STATUS OF CLAIMS

Claims 22-25 and 27-29 are still pending and all were rejected in the Final Rejection dated August 16, 2006.

The rejection of claims 22-25 and 27-29 are appealed.

IV. STATUS OF AMENDMENTS

An Amendment Under 37 C.F.R. § 1.116 and a Notice of Appeal were filed on November 15, 2006. An Advisory Action dated December 1, 2006 stated that the Amendment is entered in part. The amendment to the claims and the drawing were entered, and thus claim 26 was cancelled and the objection to the drawing was withdrawn. The amendment to the specification was not entered. The Advisory Action stated that the amendment to the specification introduces new matter.

V. SUMMARY OF CLAIMED SUBJECT MATTER

See Fig. 3 of the drawings and pages 1 and 2 of the specification. Isolation valves 300 are used to isolate a circulator pump 302 from the remainder of a fluid carrying system 304. To couple and uncouple the isolation valves 300 in the system, mating flanges are formed on the valve and its mating part. The mating flanges are formed with bolt holes that must be aligned to accept bolts that clamp the mating flanges together. The alignment of the bolt holes may be difficult in tight spaces with heavy, cumbersome components.

The claimed subject matter relates to a valve assembly as shown in Figs. 1A and 1B and it facilitates the alignment of the bolt holes during the coupling procedure. The valve assembly includes a quarter turn ball valve 98 located in a valve body 100, an insert 102 and a rotatable flange 106. See Paragraphs 11 and 24 of the Specification. By allowing for rotation and thus adjustment of the flange 106 during the coupling process, the alignment of the flange bolt holes with those in the mating part is facilitated.

As will be made clearer hereinafter, the disclosed and claimed subject matter is a valve assembly and, thus, includes a quarter turn valve, insert and rotatable flange after these parts have been fitted together, i.e., after the assembly is complete.

Before coupling the insert 102 to valve housing 100, the threaded end of the insert is slipped through the central hole 115 formed in the rotatable flange 106. The diameter of the hole 115 is such that the flange 106 rotatably fits on the exterior of the insert 102. See paragraph 29 of the Specification. The insert 102 also includes a lip 104 which provides an abutment that prevents the rotatable flange 106 from being removed from the valve assembly. Again, see Paragraph 29 of the specification.

After coupling the insert 102 and the rotatable flange 106 to the valve housing 100, the assembly is complete and the flange 106 is rotatable. As

noted above, because the flange 106 is rotatable, the coupling of the valve assembly into a fluid system is facilitated.

As explained in Paragraph 28 of the specification, the insert 102 is formed with a hole running axially through it and this hole serves as a flow channel 109 that is aligned with the flow channel in the valve housing 100. Insert 102 is threaded as is the valve housing 100 so that the valve housing, insert and rotatable flange 106 can be fitted together. The free end of the insert 102 is formed with a polygonal cross-section 105 to accommodate a wrench for coupling the insert to the valve housing 100.

VI. GROUNDS OF REJECTION TO BE REVIEWED

Claim 27 stands rejected under 35 U.S.C. 102(e) as being anticipated by the Rocheleau published application 2002/0162986 and, alternatively, under 35 U.S.C. 103(a) in view of the Rocheleau publication.

Claims 23, 28 and 29 stand rejected under 35 U.S.C. 103(a) over the Rocheleau publication in view of the Keller III patent 3,241,810.

Claims 22-25 stand rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. Claim 22, as stated in the Final Rejection, recites the limitation, "the flange being freely rotatable relative to the insert and the valve housing when the insert is assembled to the valve housing." As also stated in the Final Rejection, the specification does not "specify that when the insert is assembled into the housing, the flange can freely rotate."

Applicant's proposed amendment to the specification to include the above quoted wording of claim 22 has been explained in the Advisory Action to introduce new matter. See Continuation of 3. In the Final Rejection, however, claims 22-25, which include the language being added to the specification have **not** been rejected as containing new matter.

Claims 22, 24 and 25 also stand rejected under 35 U.S.C. 102(e) as being anticipated by the Rocheleau published application.

In the alternative, claims 22 also stands rejected under 35 U.S.C. 103(a) as being unpatentable over the Rocheleau publication.

VIII. ARGUMENT

The following 2 issues are presented by the prior art rejections: (1) the correct interpretation of the claims; and, (2) the correct understanding of the disclosure contained in the Rocheleau publication.

Claim 27 - Rejection Under 35 U.S.C. 102(e)

First, the only rejections of claim 27 are based on prior art under 35 U.S.C. 102(e) and 103(a). Claim 27 has not been rejected under 35 U.S.C. 112. The various rejections during prosecution of this application make clear that claim interpretation is in issue. Accordingly, the correct interpretation of claim 27 will be addressed.

Claim 27 recites a valve assembly comprising three basic components: (1) a quarter turn ball valve mounted in a housing; (2) an insert; and (3) a rotatable flange. Because claim 27 recites a valve assembly, the claim recites an assembled combination of these three basic components, i.e., after they have been fitted together to form the claimed assembly. Thus, after the three components have been fitted together to form the claimed assembly, the flange is freely rotatable.

The comments in the Advisory Action (see Continuation of 11) indicate that the final rejection does not so interpret the claims. Continuation of 11 makes clear that the Final Rejection is interpreting claim 27 to mean that the flange is rotatable during the time when the three basic components are being fitted together.

As pointed out above the correct interpretation of claim 27 is that the flange is rotatable after the parts have been fitted together to form the claimed assembly. Applicants interpretation of claim 27 is supported by the ordinary dictionary definition of the word "assembly". In Merriam-Webster's Collegiate

Dictionary, Eleventh Edition (First Printing 2003), the definition of the word "assembly" includes

"6a: the fitting together of manufactured parts into a complete machine, structure or unit of a machine b: a collection of parts so assembled".

In Random House Webster's Unabridged Dictionary, Second Edition, copyrighted 1998, 1996, 1993 and 1987, the definition of the word "assembly" includes

"6. Mach. A group of machine parts, esp. one forming a self-contained independently mounted unit".

In McGraw Hill Dictionary of Scientific and Technical Terms, Fifth Edition, copyrighted 1994, 1989, 1984, 1978, 1976 and 1974, the definition of the word "assembly" includes

"[MechEng] A unit containing the component parts of a mechanism, machine, or similar device".

From the ordinary, dictionary definition of the word "assembly" it is clear that claim 27 recites (1) a collection of parts (valve 98 and its valve body 100, insert 102 and rotatable flange 106) fitted together to form a complete structure (the valve assembly disclosed in Fig. 1B of the drawing), or (2) a group of parts (valve 98 and its valve body 100, insert 102 and rotatable flange 106) forming a self-contained independent unit (the valve assembly disclosed in Fig.1B), or (3) a unit (the valve assembly disclosed in Fig.1B) containing the component parts (valve 98 and its valve body 100, insert 102 and rotatable flange 106) of the mechanism (the valve assembly disclosed in Fig. 1B).

From the foregoing, it is clear that claim 27 recites an assembly of three fitted together components including a rotatable flange. Said another way, the flange is rotatable after the three parts have been fitted together.

Turning now to the second noted issue, the disclosure of the Rocheleau publication, Applicants' point out that the Rocheleau publication must

include a clear, enabling disclosure of Applicants' claims if it is to anticipate Applicants' claims. See Abbott Laboratories v. Diamedix Corp., 969 F.Supp. 1064, 43 USPQ2d 1448 (N.D. Ill. 1997). The Abbott Court held:

"For a patent to be anticipated by a printed reference, the reference must describe the patented invention sufficiently to have placed a person of ordinary skill in the field of the invention in possession of it. In re Spada, 911 F2d at 708....it need only describe enough information to allow one of ordinary skill in the art to make the invention work." (43 USPQ2d at 1452)

The Rocheleau publication does not place a person of ordinary skill in the art in possession of Applicants' claimed invention; the Rocheleau publication does not describe enough information to allow one skilled in the art to make the claimed valve assembly work; the Rocheleau publication does not disclose a valve assembly comprised of three basic parts, one of which is a rotatable flange.

The Rocheleau publication discloses a valve assembly (Fig.6) including a ball valve 8 located in a valve body 10, a threaded member 16 and a flange element 28. In the Rocheleau publication, the flange element is rotatable and adjustable while the parts of the valve assembly are being fitted together to form the valve assembly. After the valve assembly is formed, i.e., after fitting the Rocheleau component parts together, the flange element 28 is not rotatable or adjustable. In Fig. 6 of the Rocheleau publication, the flange element 28 is shown to be clamped in place by the threaded member 16 and valve body 10.

The Advisory Action at Continuation 11 accepts the fact that the flange element 28 in the Rocheleau publication is rotatable when ball valve 8, threaded member 16 and flange element are being fitted together. See Advisory Action at Continuation of 11. It is not clear whether the Final Rejection accepts the fact that the flange element 26 is not rotatable after the claimed valve assembly is formed. Applicants' have already addressed the proper claim interpretation.

So that there is no doubt, Applicants' will address the disclosure of the Rocheleau publication.

The Final Rejection refers to Rocheleau's specification at Col. 2, lines 5-7 wherein the Rocheleau publication states: "The flange element may be allowed to rotate relative to the valve body during assembly to allow the installer to select a preferred orientation". Based on this quoted language the Final Rejection concludes that "the flange" is "freely rotatable relative to the insert and the valve housing when the insert is assembled to the valve housing". The Advisory Action at Continuation of 11 goes on to explain that Col.2, lines 5-7 of the Rocheleau publication discloses that the flange is rotatable during assembly. Applicants' agree with this interpretation and submit that the Rocheleau publication does not disclose that the flange element 28 is rotatable after assembly.

The Rocheleau publication, as with any prior art reference, must be read as a whole to determine the subject matter disclosed. That means that column 2, lines 5-7 must be read in context and the meaning of lines 5-7 must be determined with a reading of the immediately preceding sentence and, in particular, the clause appearing at col. 2, lines 1-4. In lines 1-4, the Rocheleau publication discloses that the "installer needs to install only one item" when "making a connection to a hydraulic circulator". Taken in context, the Rocheleau publication makes clear that installation and assembly are two different procedures. Installation is limited to "making a connection to a hydraulic circulator" and "assembly" is limited to fitting the flange element 28 to the valve body 10 to form the valve assembly. Rotation of the flange "may be allowed" when fitting parts together, but there is no disclosure that rotation is allowed after the assembly is completed. Nor is there any disclosure that the flange is rotatable during installation of the assembly to a hydraulic circulator. It is submitted that Rocheleau's disclosure at column 2, lines 5-7 does not support a conclusion that the flange element 28 is rotatable after the assembly is complete.

Continuing to read the Rocheleau publication in its entirety, reference is now made to column 3, lines 12-22. Rocheleau again makes clear that the flange element is rotatable before the component parts are fitted together, but does not support the conclusion that the flange element is rotatable after the parts are fit

together, that is, after the valve assembly is formed. Rocheleau's choice of words is not consistent with the words used in column 2, lines 1-7. In column 3 Rocheleau has reversed his meaning of installation and uses the words "installed" and "installation" to mean that the component parts are being fitted together to form an assembly. In column 3, lines 12-14, Rocheleau explains that the "flange element 28 is installed by threading member 16 (brass) into female threads 17 in valve body 10". Here Rocheleau is clearly disclosing that, in this context, installation is the procedure for fitting parts together to form the valve assembly. In that same paragraph, at column 3, lines 18-22, Rocheleau explains that, "During installation of the ball valve, the relative angular orientation of the flange element 28 and the valve body 10 can be adjusted." From the context, that is from lines 12-14 it is clear that the relative angular orientation is adjusted when the flange element 28 and valve body are being fit together, not when the assembly is complete.

From the foregoing it is clear that Rocheleau's flange element 28 is rotatable when the valve assembly is being fit together. Once the Rocheleau valve assembly is formed, Fig. 6 shows that the flange element 28 cannot be rotated.

Claim 27 clearly recites an assembled group of parts, that includes, after assembly, a rotatable flange. Rocheleau does not disclose such an arrangement and the rejection under 35 U.S.C. 102 is improper and should be withdrawn.

Applicants' also note that the Rocheleau publication is not an issued patent having a presumption of validity including a presumption that the disclosure is enabling. As also noted the Rocheleau publication does not have an enabling disclosure with respect to a valve assembly with a rotatable flange. It does not place the claimed valve assembly with a rotatable flange in the possession of one skilled in the art.

Claims 22, 24, and 25 - Rejection Under 35 U.S.C. 102(e)

First, the subject matter of claims 22, 24 and 25 must be interpreted. As with claim 27, these claims also recite a valve assembly comprising three basic components: (1) a quarter turn ball valve mounted in a housing; (2) an insert; and (3) a rotatable flange. For the reasons set forth above, it is submitted that these claims recite an assembled combination of three basic components and after these three components have been fitted together to form the claimed assembly, the flange is freely rotatable. For the reasons submitted with respect to claim 27, it is again submitted that the Rocheleau publication does not anticipate the subject matter of claims 22, 24, and 25.

Claims 22, 24 and 25 take it a step further and drive home the point that the flange is "freely rotatable relative to the insert and the valve housing when the insert is assembled to the valve housing" (see claim 22). The Advisory Action states that "this [rotation] is considered to occur during assembly since the limitation does not explicitly state this action occurs after assembly" (see Advisory Action, Continuation of 11).

The word "assembled" used in these claims is the past tense of the verb "assemble". Thus, rotation "when...assembled" is not an ongoing action or an action that occurs prior to assembly, it is an action taking place after assembly. Moreover, the interpretation proffered in the Advisory Action would be inconsistent with the claimed subject matter - "a valve assembly" with a rotatable flange. It is submitted that the interpretation set forth in the Advisory Action is improper. Claims 22, 24 and 25 do not recite that the flange is rotatable when the valve assembly is being assembled - it recites a flange that is rotatable after it is assembled.

For all of the reasons noted with respect to claim 27, it is submitted that the Rocheleau publication does not anticipate claims 22, 24 and 25. The Rocheleau publication discloses a flange that is rotatable when the valve assembly is being fit together, not after it has been fit together to form an assembly. Thus,

the rejection of claims 22, 24 and 25 under 35 U.S.C. 102(e) is improper and should be withdrawn.

In an attempt to expedite this Appeal, the undersigned telephoned Examiner Price on December 15, 2006 and asked whether substituting "after" for "when" would settle the interpretation of the above quoted language. Examiner Price telephoned the undersigned on December 18, 2006 and no agreement was reached.

Applicants' hereby offer to substitute "after" for "when" if it reduces or clarifies the issues on appeal and hereby approve an Examiner's Amendment to that effect.

Claims 22, 24 and 25 - Rejection Under 35 U.S.C. 112

Claims 22, 24 and 25 were rejected under the first paragraph of 35 U.S.C. 112 as failing to comply with the written description requirement. The rejection relates to the recitation that "the flange being freely rotatable relative to the insert and the valve housing when the insert is assembled to the valve housing". The final rejection goes to state that "There is no support within the originally filed specification, for the claim limitation that, 'the flange can rotate freely after assembly'."

To address this rejection, Applicants have proposed to amend the specification to include the language added to claims 22, 24 and 25. See the following proposed amendment to Paragraph 24:

[0024] Figures 1A and 1B illustrate a valve assembly in accordance with an embodiment of this invention. This valve assembly includes a valve 98 located in a valve body 100, insert 102, and rotatable flange 106. Rotatable flange 106 is carried on the insert 102 and is fully rotatable relative to the insert and the valve body 100 when the valve assembly is, in fact, an assembly, that is, after the insert, flange and valve body are fitted together. ~~Valve 98 includes a valve body 100 and, as~~ As will be understood, both the valve and insert 102 are necessarily in contact with the fluid during operation of the associated fluid system. Therefore, it is desirable for these

two parts of the valve assembly to be formed of a material that is unlikely to interact significantly with or contaminate the fluid. For example, in a potable water system valve body 100 and insert 102 may be desirably formed of brass.

The Advisory Action takes the position that the above amendment introduces new matter.

First, claims 22, 24, and 25 have not been rejected under 35 U.S.C. 132(a) as containing new matter. Thus, the proposed amendment to the specification, using the previously accepted language of the claims, cannot constitute new matter. If claims 22, 24 and 25 do not include new matter, the same language added to the specification cannot include new matter.

If on the other hand, claims 22, 24 and 25 are subject to a new matter rejection, it is pointed out that the parent application, as originally filed, showed in the drawing, described in the specification and recited in the claims a "valve assembly" and, in particular, "an isolation valve assembly" having a "rotatable flange". That is, this application originally disclosed and claimed a fully assembled combination of elements including a valve 98, insert 102 and rotatable flange 106. For example, paragraph 24, as it appeared in the parent application, stated "This valve assembly includes a valve 98, insert 102, and rotatable flange 106". After these three parts are fitted together the valve assembly is formed and after the assembly is formed, the flange is rotatable.

Applicants' again refer to the ordinary dictionary definition of the word "assembly" to show that the parent Application disclosed a valve assembly with a flange that is rotatable after the component parts of the assembly are fitted together. In Merriam-Webster's Collegiate Dictionary, Eleventh Edition (First Printing 2003), the definition of the word "assembly" includes

"6a: the fitting together of manufactured parts into a complete machine, structure or unit of a machine b: a collection of parts so assembled".

In Random House Webster's Unabridged Dictionary, Second Edition, copyrighted 1998, 1996, 1993 and 1987, the definition of the word "assembly" includes

"6. Mach. A group of machine parts, esp. one forming a self-contained independently mounted unit".

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"[MechEng] A unit containing the component parts of a mechanism, machine, or similar device".

From the ordinary, dictionary definition of the word "assembly" it is clear that this application, as originally filed, disclosed (1) a collection of parts (valve 98 and its valve body 100, insert 102 and rotatable flange 106) fitted together to form a complete structure (the valve assembly disclosed in Fig 1B of the drawing), or (2) a group of parts (valve 98 and its valve body 100, insert 102 and rotatable flange 106) forming a self-contained independent unit (the valve assembly disclosed in Fig.1B) or (3) a unit (the valve assembly disclosed in Fig.1B) containing the component parts (valve 98 and its valve body 100, insert 102 and rotatable flange 106) of a mechanism (the valve assembly disclosed in Fig.1B).

The application as originally filed disclosed a completed "valve assembly" and, more particularly, a completed "isolation valve assembly" ready for use or installation into a hydraulic system. In this completed assembly, the original disclosure made clear that the flange is rotatable. Thus, the disclosure, as originally filed, clearly discloses that the flange is rotatable after the insert and flange are assembled to the valve housing.

In view of the foregoing, it is submitted that the proposed amendment to the specification obviates the rejection of claims 22, 24 and 25 under 35 U.S.C. 112 and that this rejection should be withdrawn. It is also

submitted that the proposed amendment to the specification does not include new matter.

Claims 23, 28 and 29 - Rejection Under 35 U.S.C. 103(a)

Claims 23, 28 and 29 were rejected over the Rocheleau publication in view of Keller III. First, Keller III does not address the deficiencies of the Rocheleau publication.

Moreover, the Keller III patent does not include any disclosure that supports a conclusion that the insert configurations recited in claims 23, 28 and 29 would be obvious to one skilled in the art. Claims 23, 28 and 29 recite that the free end of the insert accommodates a tool for threadably coupling the insert to the valve body. In contrast, Keller III discloses an adjustable valve where water pressure closes the valve without dependence on manual actuation. See column 1, lines 15-18. The valve stem 17 includes a hexagonal bottom section 21 that accommodates a hex wrench to **effect adjustment** of the valves closing point. Keller III does not disclose anything remotely like the claimed insert, it does not disclose using a hexagonal section to couple anything together. Moreover, the hexagonal section 21 in the Keller III patent is not located at the free end of a flow channel nor at the free end of anything to couple anything together. The hexagonal section 21 is located at the bottom of the valve stem, not adjacent its free end. It cannot render the subject matter of claims 28 and 29 obvious - it is lacking any disclosure relevant to **coupling** parts together. There is no teaching, motivation or suggestion to combine the Keller III valve stem with Applicants' insert.

Claims 22 and 27 - Rejection Under 35 U.S.C. 103(a)

This rejection of claims 22 and 27 over the Rocheleau publication under 35 U.S.C. 103(a) is improper for reasons already explained. The rejection states that "Rocheleau teaches all of the features of the claimed invention, but discloses bolts to preclude movement of the rotatable flange". As noted earlier in this Appeal Brief, the flange disclosed in the Rocheleau publication is not rotatable after the valve parts are fit together. Thus, the bolts do not preclude rotation, they

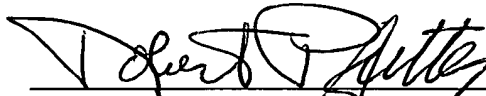
clamp the valve assembly to the hydronic circulator. When the bolts are removed the flange is not rotatable

Since removing the bolts from the Rocheleau flange 28 from the circulator does not yield a valve assembly with a rotatable flange, this rejection is improper and should be withdrawn.

IX. CONCLUSION

In view of the foregoing, it is again submitted that the rejections of claims 22-25 and 27-29 are improper and should be reversed. Such action is respectfully requested.

Respectfully submitted,



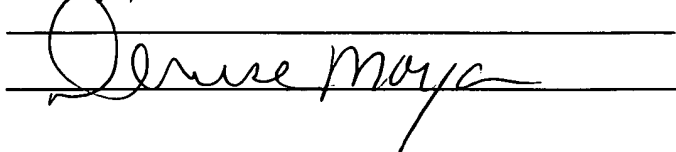
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The Director is hereby authorized to charge or credit Deposit Account No. **18-0350** for any additional fees, or any underpayment or credit for overpayment in connection herewith.

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January 8, 2007



APPENDIX 1
CLAIMS

22. A valve assembly comprising:
a quarter turn ball valve including a valve housing having inlet and outlet ports;
an insert having a body member including an exterior surface and an internal flow channel, one end of the insert being coupled to the valve housing so that the internal flow channel communicates with one of the ports, a lip formed on the free end of the body member, the lip being spaced from the valve housing when the insert is assembled to the valve housing;
a flange carried on the exterior surface of the insert between the lip and the valve housing, the flange being freely rotatable relative to the insert and the valve housing when the insert is assembled to the valve housing, and fastener holes formed in the flange for receiving fasteners that secure the valve assembly in a fluid system.
23. A valve assembly in accordance with claim 22 wherein the valve body and the one end of the insert are threaded and wherein the end of the internal flow channel adjacent the lip is formed with a polygonal cross-section to accommodate a tool for coupling the insert to the valve body.
24. A valve assembly in accordance with claim 22 wherein the flange is formed with a mounting hole of a size and shape complementary to and larger than the exterior surface of the insert.
25. A valve assembly in accordance with claim 24 wherein the size of the mounting hole is less than that of the lip.
27. A valve assembly comprising:
a quarter turn ball valve mounted in a valve housing formed with inlet and outlet ports;
an insert including a body member having an exterior surface and an internal axial flow channel, one end of said body member being fixed to the valve

housing so that the exterior surface extends axially from the valve housing and the internal axial flow channel communicates with one of the ports, a lip formed on the free end of the body member and spaced from the valve housing by the exterior surface of the insert;

a flange having central opening formed therein of a size and shape complementary to the exterior surface of the insert so that the flange is spaced from the valve housing and freely rotatable on the exterior surface of the insert.

28. A valve assembly in accordance with claim 27 wherein the valve body and the one end of the insert are threaded and wherein the end of the internal axial flow channel adjacent the lip is formed to accommodate a tool for threadably coupling the insert to the valve body.

29. A valve assembly in accordance with claim 27, wherein the valve body and the one end of the insert are threaded and wherein the end of the internal axial flow channel adjacent the lip is formed with a polygonal cross-section to accommodate a tool for threadably fixing the insert to the valve body.

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APPENDIX 2
EVIDENCE

None

APPENDIX 3
RELATED PROCEEDINGS
None